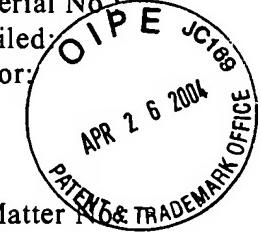


## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Wayne P. Franco  
Serial No.: 10/730,831  
Filed: December 9, 2003  
For:

"METHOD OF USE OF FIBROBLAST GROWTH FACTOR,  
VASCULAR ENDOTHELIAL GROWTH FACTOR AND  
RELATED PROTEIN IN THE TREATMENT OF ACUTE  
AND CHRONIC HEART DISEASE"  
Matter No. 0147-1 DIV 1



Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

Sir:

**INFORMATION DISCLOSURE STATEMENT  
UNDER 37 CFR §1.97(b)**

In accordance with the duty of disclosure under 37 CFR §1.56, Applicant hereby notifies the U.S. Patent and Trademark Office of the following documents, which are listed on the attached PTO-1449 Form. The Examiner may deem these documents to be relevant to patentability of the claims of the above-identified application. A copy of each of the documents is enclosed for the convenience of the Examiner.

The submission of the listed documents is not intended as an admission that any of the documents constitutes prior art against the claims of the present application. Applicants do not waive any right to take any action that would be appropriate to antedate or otherwise remove any listed document as a competent reference against the claims of the present application.

Applicants respectfully request that the listed documents be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

It is understood that no fee is necessary for submission of this Information Disclosure Statement, as it is being filed before the later of three months from the filing date or the mailing of the first Office Action on the merits.

For the reasons set forth above, it is submitted that no additional fee is required for this Information Disclosure Statement. However, in the event that the Commissioner deems that an additional fee is required, it is respectfully requested that applicant's attorney be contacted and accorded an opportunity to pay such additional fee.

Respectfully submitted,



Ernest D. Buff  
Reg. No. 25,833

**Enclosures**

Ernest D. Buff & Associates, LLC  
231 Somerville Road  
Bedminster, New Jersey 07921  
(908) 901-0220

Dated: April 23, 2004

**Certificate of Mailing by First Class Mail**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 23, 2004.



Signature

Ernest D. Buff  
Attorney of Record

April 23, 2004  
(Date)



Sheet 1 of 1

FORM PTO-1449 (Rev. 2-22-01)	U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE	ATTY. DOCKET NO: 0147-1 DIV 1	SERIAL NO.: 10/730,381
INFORMATION DISCLOSURE STATEMENT BY APPLICANT		APPLICANT: Wayne P. Franco	
(Use several sheets if necessary)		FILING DATE: December 9, 2003	GROUP: 1646

**U.S. PATENT DOCUMENTS**

EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
		4,296,100	10/20/81	Franco	424	108	06-30-80
		4,409,237	10/11/83	Cairns et al.	424	283	04-21-81
		5,006,343	04/09/91	Benson et al.	424	450	12-29-88
		5,254,330	10/19/93	Ganderton et al.	424	46	09-20-91
		5,915,378	06/29/99	Lloyd et al.	128	200.22	10-27-95
		5,925,012	07/20/99	Murphy-Chutorian et al.	604	30	12-27-96
		6,436,902 B1	08/20/02	Bäckström et al.	514	12	08-26-99

**FOREIGN PATENT DOCUMENTS**

						TRANSLATION		
		DOCUMENT NUMBER	DATE	PATENTEE OR APPLICANT	CLASS	SUBCLASS	YES	NO
		WO 98/49300	11/05/98	Collateral Therapeutics	15	12		x
		WO 00/40086	07/13/00	Nitrosystems, Inc.	43	16		x

**OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)**


EXAMINER

DATE CONSIDERED

Examiner: Initial if citation considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.